

MS PETITION
Docket No.: 3449-0500PUS1
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Sung Chul CHOI

Application No.: 10/538,078

Confirmation No.: 7191

Filed: June 9, 2005

Art Unit: 2893

For: LED AND FABRICATION METHOD
THEREOF

Examiner: M. L. Reames

PETITION TO WITHDRAW HOLDING OF ABANDONMENT
SINCE REPLY WAS TIMELY FILED UNDER MPEP § 711.03(C)(1)(B)

MS Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notice of Abandonment mailed January 21, 2010, which issued in connection with the above-identified application, this is a Petition to withdraw the "abandonment status" of the present application, since a Reply was timely filed on March 24, 2009.

1. EVIDENCE

As evidence of the fact that a Reply was timely filed, enclosed herewith are the following:

- a copy of the Reply filed March 24, 2009; and
- a copy of the facsimile receipt showing 11 pages successfully transmitted to the USPTO on March 24, 2009.

It is requested that the abandonment status of the present application be immediately removed so that prosecution may resume with full consideration and entry into the record of the timely filed Reply.

If the U.S. Patent Examiner has any questions regarding the above matters, please contact Applicants' representative, Seth S. Kim, Reg. No. 54,577, at the phone number listed below.

It is submitted that no fees are required for filing this Petition, since the error occurred because of a mistake on the part of the U.S. Patent and Trademark Office.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fee required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: May 17, 2010

Respectfully submitted,

By James T. Eller, Jr.

James T. Eller, Jr.

Registration No.: 39,538

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road

Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorney for Applicant

Attachments: Copy of Reply
Copy of Facsimile Receipt

* TRANSACTION REPORT
*
*

P. 01

MAR-24-2009 TUE 05:59 PM

FOR: BSKB FAX 403

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TOTAL : 1M 30S PAGES: 11

FAX TRANSMISSION**DATE:** March 24, 2009**PTO IDENTIFIER:** Application Number 10/538,078-Conf. #7191
Patent Number**Inventor:** Sung Chul CHOI**MESSAGE TO:** US Patent and Trademark Office**FAX NUMBER:** (571) 273-8300**FROM:** BIRCH, STEWART, KOLASCH & BIRCH, LLP
Jun S. Ha**PHONE:** (703) 205-8000**Attorney Dkt. #:** 3449-0500PUS1**PAGES (Including Cover Sheet):** 11**CONTENTS:**

Fax Cover Sheet (1 page)
Certificate of Transmission (1 page)
Amendment Transmittal (1 page)
Amendment Under 37 C.F.R. § 1.111 (8 pages)

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DATE: March 24, 2009

PTO IDENTIFIER: Application Number 10/538,078-Conf. #7191

Patent Number

Inventor: Sung Chul CHOI

MESSAGE TO: US Patent and Trademark Office

FAX NUMBER: (571) 273-8300

FROM: BIRCH, STEWART, KOLASCH & BIRCH, LLP

Jun S. Ha

PHONE: (703) 205-8000

Attorney Dkt. #: 3449-0500PUS1

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8110 Gatehouse Road, Suite 100 East, P.O. Box 747, Falls Church, Virginia 22040-0747

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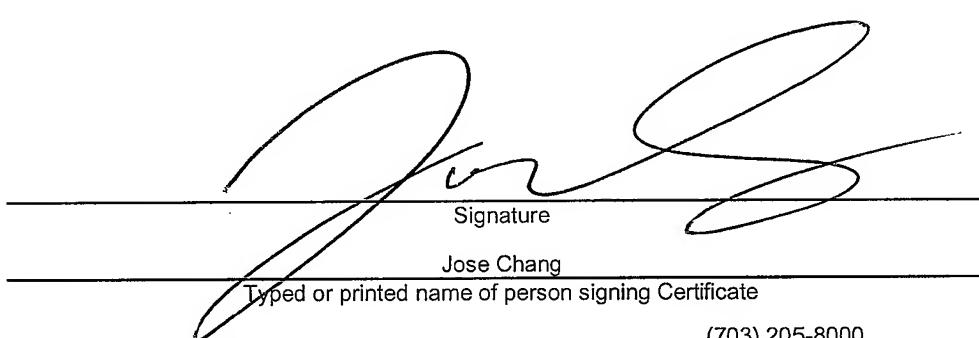
Application No. (if known): 10/538,078

Attorney Docket No.: 3449-0500PUS1

Certificate of Transmission under 37 CFR 1.8

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on March 24, 2009
Date



Signature

Jose Chang

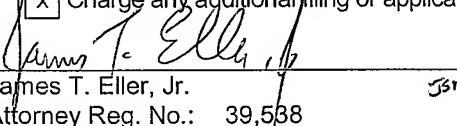
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Amendment Under 37 C.F.R. § 1.111 (8 pages)

AMENDMENT TRANSMITTAL LETTER				Docket No. 3449-0500PUS1	
Application No.	Filing Date		Examiner		Art Unit
10/538,078-Conf. #7191	June 9, 2005		M. L. Reames		2893
Applicant(s): Sung Chul CHOI					
Invention: LED AND FABRICATION METHOD THEREOF					
MS Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450					
Transmitted herewith is an amendment in the above-identified application.					
The fee has been calculated and is transmitted as shown below.					
CLAIMS AS AMENDED					
Claims Remaining After Amendment	Highest Number Previously Paid	Number Extra Claims Present	Rate		
Total Claims	14	- 20 =	0	x 52.00	0.00
Independent Claims	3	- 3 =	0	x 220.00	0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					
Other fee (please specify):					
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT:					0.00
<input checked="" type="checkbox"/> Large Entity			<input type="checkbox"/> Small Entity		
<input type="checkbox"/> No additional fee is required for this amendment.					
<input type="checkbox"/> Please charge Deposit Account No. _____ in the amount of \$ _____. A duplicate copy of this sheet is enclosed.					
<input type="checkbox"/> A check in the amount of \$ _____ is enclosed.					
<input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.					
<input checked="" type="checkbox"/> The Director is hereby authorized to charge and credit Deposit Account No. <u>02-2448</u> as described below. A duplicate copy of this sheet is enclosed.					
<input checked="" type="checkbox"/> Credit any overpayment.					
<input checked="" type="checkbox"/> Charge any additional filing or application processing fees required under 37 CFR 1.16 and 1.17.					
Dated: <u>March 24, 2009</u>					
 James T. Eller, Jr. <i>[Signature]</i> Attorney Reg. No.: 39,538					
BIRCH, STEWART, KOLASCH & BIRCH, LLP 8110 Gatehouse Road Suite 100 East P.O. Box 747 Falls Church, Virginia 22040-0747 (703) 205-8000					